

**NURSING HOME ADMINISTRATORS EXAMINING BOARD  
MINUTES  
MADISON, WISCONSIN  
OCTOBER 12, 2000**

**PRESENT:** Karen Robinson, Patricia Schulz, Robert Mulder, Jerry Schallock, Robert Kessler and Anthony Oberbrunner

**ABSENT:** David Egan, Roxann Miller Sobek, and Omar Barberena

**STAFF PRESENT:** Cletus Hansen, Becky Fry; Ruby Jefferson-Moore, Legal Counsel; Darwin Tichenor, Barbara Showers and Jack Temby for portions of the meeting.

**CALL TO ORDER**

The meeting was called to order at 9:40 a.m. by Karen Robinson, Chair. A quorum of five voting members was present.

**AGENDA**

**MOTION:** Patricia Schulz moved, seconded by Jerry Schallock, to adopt the agenda as published. Motion carried unanimously.

**MINUTES (8/17/00)**

**MOTION:** Robert Mulder moved, seconded by Jerry Schallock, to approve the minutes, as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

**Secretary Cummings' Report**

Secretary Cummings was unavailable to address the Board.

**Bureau Director's Report**

- **Board Roster**

The Board received an updated copy of the Board roster. Minor changes were noted.

The Board received a copy of telephone numbers for Division of Enforcement staff. Noted.

- **2000 Meeting Dates/2001 Proposed Meeting Dates**

A copy of the 2000 and 2001 meeting dates was included in the agenda packet.

**MOTION:** Patricia Schulz moved, seconded by Robert Mulder, to approve the 2001 meeting dates. Motion carried unanimously.

- **To-Pass Folder**

Information was circulated in the To-Pass Folder and duly noted.

- **Report of Decisions**

Clete Hansen informed the Board that information on disciplinary decisions made by the Board on credential holders is located on the Internet and can be accessed by the public. He stated that an article would be included in the Regulatory Digest regarding this issue.

Mr. Hansen informed the Board that Judy Mender has been working on revising the statute and rule book which has been sent to the printers. An updated book will be distributed at the next meeting.

#### **MEMO OF AGREEMENT BETWEEN DHFS AND DRL, REGARDING SUBSTANDARD QUALITY OF CARE**

Mr. Hansen referred to the October 11, 2000, correspondence from Deb Bursaw and informed the Board that members of the Bureau of Quality Assurance (BQA) staff were not available to attend the meeting.

Ruby Jefferson-Moore informed the Board that the only change that BQA suggested to the Memorandum of Agreement (MOA) between Department of Health and Family Services (DHFS) and the Department of Regulation and Licensing (DRL) was in reference to Part IV A 1 "Using federal long-term care survey methods, DHFS will ~~conclude~~ 'determine whether' a nursing facility..." omitting the word "conclude" and including "determine whether."

**MOTION:** Robert Kessler moved, seconded by Jerry Schallock, to approve the revision of the MOA changing section IV A 1 to read "Using federal long-term care survey methods, DHFL will determine whether a nursing facility..." Motion carried unanimously.

Karen Robinson explained that an issue came up at a recent BQA Advocate Industry meeting, regarding how the department deals with credentialed license holders when it comes to caregiver abuse/neglect misappropriation issues and the confidentiality involved.

Jack Temby responded to Ms. Robinson's questions relating to complaints and the public records law.

Patricia Schulz noted that complainant information must be completed on a complaint form before the process will continue and a copy of the administrator's report must be given to the respondent.

Ms. Robinson questioned what information could be viewed when a caregiver credential check is made on someone who has been disciplined.

Mr. Temby performed an inquiry on a disciplined licensee and distributed copies to the Board. Information listed on the inquiry included: credential holder name, address, credential number, profession, current through date, status, whether eligible to practice, date credential granted on, and whether the credential holder had been disciplined. Mr. Temby also distributed a copy of Reports of Decisions indexed by respondent along with the final decision and order issued to the credential holder as it appears on the Internet.

The Board expressed concern that the information on the credential holder query system, regarding this licensee is correct.

Ruby Jefferson-Moore will follow up on the stipulation for the licensee disciplined and whether it should show up as a disciplinary action on the inquiry for that caregiver.

## **LEGISLATIVE UPDATE**

### **SB 299 and AB 607, Requirements that Apply to a Person Taking the Examination for a Nursing Home Administrator License**

Clete Hansen indicated that he had requested a bill be drafted and that he will check with Myra Shelton to be assured that it was sent to the Legislative Reference Bureau.

## **ADMINISTRATIVE RULES UPDATE**

### **Revision of Chapter HFS 132**

#### **Whether Any NHA Rules Need Revision**

Ruby Jefferson-Moore distributed a copy of the October 12, 2000, memo listing the following revisions to the rules that the Board should consider making in the future.

1. Examination Review by Applicants
2. Terms "Pattern" and "Serious Violations"
3. Address Change

The Board reviewed the Medical Examining Board procedures for allowing applicants to review examination results and agreed that there should be a procedure in place for NHA to allow for that review. The Board questioned whether the National Association of Boards of Examiners of Long Term Care Administrators (NAB) might have procedures in place relating to this issue.

Darwin Tichenor indicated that NAB does not allow any review of the national computer exam.

Barb Showers addressed the concerns relating to the examination review of the state examination. She indicated the number of test questions in the data bank to provide alternate test forms and the possibility for memorization of items is a concern.

Ruby Jefferson-Moore reviewed the August 19, 1999, Rules Committee recommendations to the Board that more than 1 occurrence in three years is a pattern and subject to review by the Board, and to define “serious violation of state or federal law” to mean state level A violations or federal violations at level H or higher.

The Board agreed that the address change for the American College of Health Care Administrators should be revised in s. NHA 4.03(1).

The Board will take action at the next meeting to authorize Clete Hansen to draft a scope statement relating to the administrative rules revisions.

## **EXAMINATION ISSUES**

### **Selection of Committee to Review Exam Questions on 12/11/00**

Darwin Tichenor explained the state examination question review process.

The Board discussed the review date and decided to hold the question review on December 14, 2000, after adjournment of the Board meeting.

Karen Robinson, Patricia Schulz, Jerry Schallock, and Robert Mulder will attend the exam review workshop. Karen Robinson recommended Mike Kittleson and Shirley Keller to sit on the committee.

Mr. Tichenor will contact David Egan to confirm the date change for the review.

Mr. Tichenor suggested that the review be held every six months, coordinating with a meeting date.

The Board discussed whether there was a concern with individuals taking the computer exam rather than paper and pencil exam. Mr. Tichenor indicated that he would check on the pass/fail rate for the state computer exam.

Judy Mender distributed information on the national exam score breakdown.

Mr. Tichenor indicated that a diagnostic report on the national exam is available for a fee; however, there is no diagnostic report available for the state exam. Mr. Tichenor will provide an analysis of state exam results at the next meeting.

The Board requested a copy of the instructions for taking the exam that are sent to applicants.

### **NHA Job Analysis Subject Matter Experts**

Barbara Showers addressed the Board regarding the national job analysis and recommended Wisconsin's involvement. She explained that the job analysis is the survey of the profession that identifies the skills and knowledges that will potentially be on the examination.

Karen Robinson recommended that Doug Olson, who is a licensed nursing home administrator in Minnesota and is teaching nursing home administrator courses at UW Eau Claire, be contacted regarding being involved in the job analysis.

Barbara Showers informed the Board that NAB works with Professional Examination Service (PES) as the exam consultant and NAB has asked Ms. Showers to serve as an independent reviewer of the exam process.

### **BOARD MEMBER ACTIVITY**

Karen Robinson reported on the October 10, 2000, Bureau of Quality Assurance Industry meeting.

Areas that were discussed included the leveling since 1999, of immediate jeopardy incidents relating to elopements, falls, swallowing/feeding programs, and side rails, care-giver background checks, and self-reporting care-giver abuse and areas where citations have occurred.

Karen Robinson will provide the application for the caregiver background training video in the next agenda packet.

Tony Oberbrunner addressed the issue of BQA citing guidelines and immediate jeopardy.

### **NAB MID-YEAR MEETING**

Karen Robinson suggested that because the budget allows only one member to attend one meeting per year, that a Board member should attend the annual voting meeting in June, rather than the mid-year meeting.

### **REPORTS TO THE NATIONAL PRACTITIONER DATA BANK**

The Board reviewed information that Pamela Haack currently sends to the data bank relating to adverse actions.

Ruby Jefferson-Moore informed the Board that as of September 2000, this information is being submitted electronically and possibly includes more information than what the form provided.

### **MISCELLANEOUS CORRESPONDENCE/INFORMATION**

### **NAB News**

Noted.

### **Newspaper Articles**

Noted.

### **ACHCA Change of Address**

Noted.

### **Long Term Care Curriculum Questionnaire**

Noted.

### **Proposed Research By Professor Scott Stegall**

Noted.

## **NEW BUSINESS**

Ruby Jefferson-Moore noted that the NAB Annual Convention would be held in Chicago, Illinois.

Clete Hansen expressed concern with the NAB web-based centralized database, online exam application and licensure renewal system.

## **RECESS TO CLOSED SESSION**

**MOTION:** Jerry Schallock moved, seconded by Robert Mulder, to convene the meeting in Closed Session pursuant to sections 19.85(1)(a), (b),(f) and (g), Wis. Stats.: to consider the licensing or discipline of a person licensed by this Board or the investigation of charges against such a person. Specifically, to discuss monitoring reports, case status reports, case closings, stipulations, deliberations on stipulations that may be signed after printing of the agenda, deliberations on proposed disciplinary matters that may be signed after printing of the agenda, pending applications, examination issues, and disciplinary proceedings. Motion carried by a roll call vote: Patricia Schulz-yes; Robert Mulder-yes; Robert Kessler-yes; Jerry Schallock-yes; and Karen Robinson-yes. Motion carried unanimously.

Open Session recessed at 11:24 a.m.

The Board received a copy of the Case Status Report.

The Board deliberated on an administrative warning and examination issues.

### **RECONVENE IN OPEN SESSION**

**MOTION:** Patricia Schulz moved, seconded by Robert Mulder, to reconvene in Open Session at 11:45 a.m. Motion carried unanimously.

### **VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

#### **ADMINISTRATIVE WARNING**

**MOTION:** Patricia Schulz moved, seconded by Jerry Schallock, to adopt the Administrative Warning for Greg C. Banks. Motion carried unanimously.

#### **EXAMINATION ISSUES**

**MOTION:** Patricia Schulz moved, seconded by Robert Kessler, to request Darwin Tichenor to respond to Sarah M. Voss, indicating the Board decision to not waive 1 test point for licensure, to make no allowance for “provisional licensing,” to not allow review of the examination and to not allow oral examination unless professional evidence is provided for the need for an exception to the computer exam. Motion carried unanimously.

#### **OTHER ITEMS AS AUTHORIZED BY LAW**

None.

### **ADJOURNMENT**

**MOTION:** Patricia Schulz moved, seconded by Robert Mulder, to adjourn the meeting at 12:11 p.m.

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